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PATENT
4450-0137P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: DEGRANGE, Jr., James E. Conf.: 3148
Appl. No.: 09/777,774 Group: 2633
Filed: February 6, 2001 Examiner: PAYNE, David C.
For: POWER BALANCED OPTICAL ADD/DROP
MULTIPLEXER AND BALANCING METHOD
THEREFORE

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Technology Center 2600

TERMINAL DISCLAIMER TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 13, 2004

Sir:

Attached hereto is an executed Terminal Disclaimer in connection with the above-identified application.

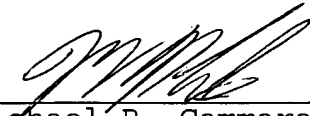
The appropriate fee of \$110.00 (large entity) is also attached hereto.

Please charge any fees or credit any overpayment pursuant to 37 C.F.R. § 1.20 to Deposit Account No. 02-2448.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Michael R. Cammarata, #39,491

MRC/kpc

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000



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February 13, 2004

Sir:

CIENA Corporation, (hereinafter "the Assignee")

- ☐ residing at ,
☒ a corporation of Delaware having a principal place of
business at 1201 Winterson Road, Linthicum, MD 21090,
☐ a university having an address of ,

represents that it is the true owner of the entire interest of
U.S. patent Application No. 09/777,774, filed on February 1,
2001, for "POWER BALANCED OPTICAL ADD/DROP MULTIPLEXER AND
BALANCING METHODS THEREFORE" (hereinafter "above-identified
application") by virtue of and as evidenced by an Assignment
recorded at the United States Patent and Trademark Office at Reel
0323, Frame(s) 0326.

The Assignee hereby disclaims the terminal part of any
patent granted on the above-identified application which would
extend beyond the expiration date of any patent which issues from

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the co-pending Application No. 09/777,786, (hereinafter "co-pending application") and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent which issues from the co-pending application, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent which issues from the co-pending application in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

This Terminal Disclaimer is submitted on behalf of the Assignee by the undersigned, an attorney of record in the above-identified application.

Appl. No. 09/777,774

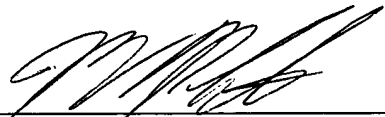
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BIRCH, STEWART, KOLASCH & BIRCH, LLP

Date: February 13, 2004

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(Rev. 09/30/03)